

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

UNITED SPECIALTY INSURANCE)	
COMPANY,)	
)	
Plaintiff/Intervenor Defendant,)	
)	
v.)	Cause No. 1:21-CV-244-HAB
)	
BARBARA SWEENEY, <i>Administratrix</i>)	
<i>of the estate of</i> Michael E. Sweeney,)	
Deceased,)	
)	
Intervenor Plaintiff,)	
)	
v.)	
)	
FAST FREIGHT FORWARDING, INC.,)	
et al.,)	
)	
Defendants.)	

ORDER

The United States Magistrate Judge's Report and Recommendation (ECF No. 60) was issued March 13, 2023, and the 14-day window within to object has passed with no objections filed.

ACCORDINGLY: Upon careful consideration of the Magistrate Judge's Report and Recommendation and the lack of objections thereto, the Report and Recommendation (ECF No. 60) is ACCEPTED AND ADOPTED.

The Clerk is ORDERED to enter default judgment against Fast Freight Forwarding, Inc. and Elsadig Arabi and in favor of Plaintiff. The following propositions of fact and law are hereby decreed and adjudged:

1. The 2007 Volvo semi-truck is not a “covered auto,” and thus there is no coverage under the Policy for the Underlying Suit¹; and

2. United Specialty has no duty to defend Fast Freight or Arabi in the Underlying Suit; and

3. United Specialty has no duty to pay any settlement on behalf of Fast Freight or Arabi in the Underlying Suit; and

4. United Specialty’s duties under the Form MCS-90 are limited to payment of a final judgment entered against Fast Freight only, up to the limits identified in the Form MCS-90, and Fast Freight is obligated to reimburse United Specialty for any payment made by United Specialty in connection with the Underlying Suit; and

5. That United Specialty owes no duty to indemnify Arabi for any settlement or final judgment he is liable to pay as he is not the named insured on the Policy’s Form MCS-90 endorsement.

This matter will continue to pend as to all remaining Defendants.

SO ORDERED on April 13, 2023.

s/ Holly A. Brady

JUDGE HOLLY A. BRADY

UNITED STATES DISTRICT COURT

¹ The terms “Policy” and “Underlying Suit” shall have the same meaning as defined in the Complaint.